

Senate File 2360

H-8337

1 Amend Senate File 2360, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 124D.1 Definitions.
6 As used in this chapter:
7 1. "*Bona fide physician-patient relationship*" means
8 a relationship in which a neurologist has ongoing
9 responsibility for the assessment, care, and treatment
10 of a patient's intractable epilepsy.
11 2. "*Cannabidiol*" means a nonpsychoactive
12 cannabinoid found in the plant *Cannabis sativa* L. or
13 any other preparation thereof that is free from plant
14 material, and has a tetrahydrocannabinol level of no
15 more than three percent.
16 3. "*Intractable epilepsy*" means an epileptic seizure
17 disorder from which a person suffers and which has not
18 responded to adequate trials of at least two seizure
19 medications in order to become and stay seizure free.
20 4. "*Neurologist*" means an allopathic physician or
21 osteopathic physician who is licensed under chapter 148
22 and is board-certified in neurology.
23 5. "*Primary caregiver*" means a person, at least
24 eighteen years of age, who has been designated by
25 a patient's neurologist as being necessary to take
26 responsibility for managing the well-being of the
27 patient with respect to the medical use of cannabidiol
28 pursuant to the provisions of this chapter. A patient
29 may have one or more designated primary caregivers.
30 Sec. 2. NEW SECTION. 124D.2 Affirmative defenses.
31 1. In a prosecution for the unlawful possession
32 of marijuana under the laws of this state, it is
33 an affirmative defense that the defendant used or
34 possessed cannabidiol because the defendant suffers
35 from intractable epilepsy that has been diagnosed by
36 a neurologist with whom the defendant has a bona fide
37 physician-patient relationship and the cannabidiol is
38 likely to provide the defendant with therapeutic relief
39 from the intractable epilepsy.
40 2. In a prosecution for the unlawful possession
41 of marijuana under the laws of this state, it is an
42 affirmative defense that the defendant possessed
43 cannabidiol because the defendant is the primary
44 caregiver of a patient who was recommended cannabidiol
45 for therapeutic relief from intractable epilepsy by
46 a neurologist with whom the patient has a bona fide
47 physician-patient relationship.>
48 2. Title page, by striking lines 1 and 2 and
49 inserting <An Act relating to the use or possession of
50 medical cannabidiol.>

L. MILLER of Scott